REMARKS

Claims 1-6, 8-19 and 21-38 are previously pending in the application. Claims 1, 13, and 26-29 have been amended, and Claims 7 and 20 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. § 101:

Claims 26-29 were rejected as having no connection to the technical arts under 35 U.S.C. §101. Although Applicants respectfully disagree with the rationale behind such rejection, Applicants have amended Claims 26-29 to advance the prosecution of this application. Claims 26 –29 should now be in condition for allowance.

Rejections Under 35 U.S.C. § 112:

Claims 1-6 and 8-13 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the necessary step connections. Claims 1-6 and 8-13 have been amended and believed to now be in condition for allowance. Claims 4 and 17 are rejected, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the "accepted meaning" of demographics is "statistical characteristics of human population." Actually, demographics is a term frequently used to identify characteristics of individual consumers. However, Applicants use the term "business demographics" not merely the term "demographics." Applicants believe it is well know in the industry that business demographics are characteristics of businesses, whether such businesses are the businesses of individuals or corporations, particularly given the context in which such term is used on page 8 of the specification. Applicants respectfully assert that Claims 4 and 17 fully comply with 35 U.S.C. 112. Reconsideration and favorable action are requested.

Rejections Under 35 U.S.C. § 103:

Claims 1-3, 5, 8-16, 18, 21-38 are rejected under U.S.C. § 103(a), as being unpatentable over (US Patent 6,052,447) to Walker et al ("Walker") in view of (US Patent 6,052,447) to Golden et al. ("Golden"). The Examiner asserts that Walker teaches storing customer information such as contact information and prior transaction data in a customer database. Applicants do not disagree with such assertion. The Examiner admits that Walker does not disclose using such customer information in communication with sellers. The Examiner then asserts that Golden teaches using prior use information in "formulating customer-specific plans, package information, rewards, and discounts." Applicants agree with a portion of the Examiner's characterization of Golden, namely that the system of Golden uses patterns of network usage to apply discounts. However, the Examiner never asserts and Golden does not disclose, teach, or suggest, in the manner recited by Claims 1, 13, 14, 26, 30, 31, 35, 36, 37, and 38, receiving information regarding prior use of telecommunication services, communicating the information to providers of telecommunications services, and receiving a reply from a provider in response to the information. Golden maintains information on current customers and offers those customers discounts. Golden does not teach using such information to decide whether or not to respond to requests for the purchase of telecommunication services. For at least these reasons, Walker, even when taken in view of Golden, does not disclose, teach or suggest the unique combination of elements recited by Claims 1, 13, 14, 26, 30, 31, 35, 36, 37, and 38, nor any of the other claims dependent thereto.

Even if Golden could be said to disclose the use of information regarding prior use as recited by certain of the pending claims, the Examiner has not presented a prima facie case for obviousness under 35 U.S.C. §103. More particularly, there is no suggestion or other basis to combine the teachings of Golden and Walker. The Examiner asserts that Walker's statement that large consumers can get discounted rates and Golden's statement that individual consumers can be offered discounts somehow suggest that a purchasing system should communicate prior use data to prospective vendors. Nowhere in any of the recited sections of Walker or Golden is any such suggestion made. Stating that existing consumers may be offered discounts in no way, shape, or form suggests that the information used by Golden to offer discounts to existing

customers should be used in the purchasing system of Walker to solicit offers from sellers. The Examiner is using impermissible hindsight to suggest that discounts mentioned in Golden be instead applied to evaluate potential customers (a concept that is not taught in any reference cited by the Examiner) and further using additional impermissible hindsight to combine such untaught concept with the purchasing system of Walker. Mere desirability is not enough to demonstrate obviousness to combine. There must be a suggestion within the references themselves suggesting the combination. For at least these further reasons, Walker and Golden do not disclose, teach, and suggest the unique combination of elements recited by Claims 1, 13, 14, 26, 30, 31, 35, 36, 37, and 38, nor any of the other claims dependent thereto. Reconsideration and favorable action are requested.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

A fee of $120.00 for a one-month extension is believed to be due. Applicants believe that no other fees are due. However, the Commissioner is hereby authorized to charge the fee of $120.00 and any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,

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